

UNITED STATES DISTRICT COURT
WESTERN DISTRICT PENNSYLVANIA

SADRICK DONALDSON,
Plaintiff,

CA04-257E

-VS-

UNITED STATES OF AMERICA,
Defendant.

CASE # 1:04-CV-257-SJM-SPB

PLAINTIFF'S SHOW OF CAUSE AS ORDERED TO SHOW
PLAINTIFF HAS NOT VIOLATED CASE MANAGEMENT ORDER

Comes now Sadrick Donaldson, pro se, (Plaintiff); and hereby respectfully submits his Show of Cause as directed by the Honorable Susan P. Baxter, U.S. Magistrate Judge, on July 26, 2005. And as set forth more fully below, Plaintiff is timely and did/does have the intention to continue to prosecute his cause as presently pending before the court.

PROCEDURAL BACKGROUND

On or about September 13, 2004, Plaintiff filed the instant cause to seek redress after the denial of his Federal Tort Claim filed with the Federal Bureau of Prisons. Thereafter, on February 24, 2005, the court issued a Case Management

Order setting Discovery cutoff and Pretrial statements for the parties dates. See: Docket Entry #12 (DE #*).

In the interim since the filing of the instant Petition, there have been a number of procedural filings and court orders, disposing of same. In fact, the court has, to date, timely ruled on and disposed of all of Plaintiff's filings save one. To wit, DE #15, motion to Extend Time for Discovery and other relevant Case Management Dates by 90 days.

At this time Plaintiff has received no court order dealing with his timely filed Motion for Enlargement of Time. Moreover, said motion is currently unopposed and Ripe for disposition. Either way, Plaintiff's timely submission with respect to the Deadlines in the case management order have not yet expired.

DISCUSSION

Plaintiff need not belabor this Honorable Court with a reiteration of the Federal Rules of Civil Procedure (FRCP) and/or the Local Rules (LR) of the Western District of Pennsylvania. Succinctly, Plaintiff has properly, timely and equitably moved the court in compliance with FRCP, R. 6 and LR 7.

As such Plaintiff can do no more, or less, than deem that his motion for the Enlargement will be Granted. Especially as it is not opposed by the Defendant.

Notwithstanding same, Plaintiff has been conducting Discovery and research with respect to his cause. And he does, at this time, expect to complete his narrative written statement of the facts that will be offered at his trial. And the date for said filing, with the expected Enlargement as

sought in DE#15, is August 18, 2005. To wit, Plaintiff will file the Ordered materials with the court on or before the due date as enlarged.

Whereby, in sum, Plaintiff has not failed to comply with the court's Case Management Order. But is, in fact, presently timely before the court and diligently working to complete his pretrial materials to place before the court. And as this is so, that is all the "Show of Cause" necessary for the court.

WHEREFORE PLAINTIFF PRAYS, that this Honorable Court will accept the present Show of Cause as adequate and hold him complying with the Federal Rules and Court orders.

AND FURTHERMORE, Rule on Plaintiff's pending motion for Extension of Time (DE#15) and complete the Record of the instant cause.

AND FURTHERMORE, direct the Clerk of Court to forward an updated copy of the case Docket Sheet to Plaintiff.

AND FURTHERMORE, Grant Plaintiff any additional Relief the court deems just and proper.

Respectfully submitted,

Sadrick Donaldson 8-9-05

Sadrick Donaldson, Pro Se

Fed. Reg. No. 20120-018

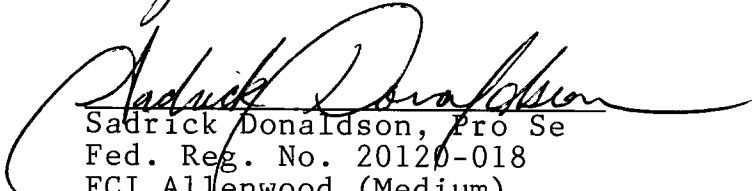
FBI Allenwood (medium)

P.O. Box 2000, 4-B

White Deer, PA 17887-2000

DECLARATION

I, Sadrick Donaldson, hereby declare and affirm, under the penalty of perjury pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct to the best of my knowledge and recollection, this 9th day of August, 2005.

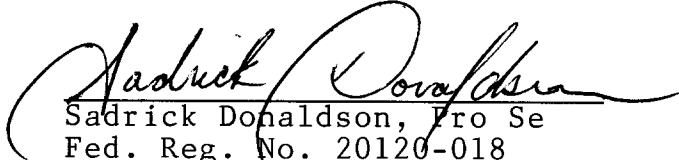

Sadrick Donaldson, Pro Se
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P.O. Box 2000, 4-B
White Deer, PA 17887-2000

CERTIFICATE OF SERVICE

I, Sadrick Donaldson, hereby certify that a true and correct copy of the foregoing pleading was served, by first-class postage prepaid placement in the institutional legal mailbox, this 9th day of August, 2005, to:

1. Clerk of the Court
U.S.D.C. for W.D. PA
17 South Park Row
Room A280
Erie, PA 16501

2. Paul E. Skirtich
Asst. U.S. Attorney
700 Grant Street
Suite 400
Pittsburgh, PA 15219


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FCI Allenwood (med),
P.O. Box 2000, 4-B
White Deer, PA 17887-2000

8/9/05

Clerk of the Court
17 S. Park Row, Rm A280
ERIE, PA 16501

RE: Case # 1:04-CV-257-SJM-SPB

Dear Sirs:

Please find enclosed my show of cause to be filed with the court.

The inmate who assisted me noticed an error in the Docket of this case. My address appears in the Docket as the Low-Security facility adjacent to the prison where I am housed.

My correct address is as it appears at the top of this letter. Please correct my address and forward me a copy of the Docket Sheet with my correct address for my file.

As always, I thank you for your time and efforts to assist me. And should you need more ~~to~~ from me, please contact me at the above address.

Sincerely
Sadrick Donaldson

enc. YES ca File